IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION No. 4:18-CR-25-D

UNITED STATES OF AMERICA)	
v.)	ORDER
KEYONTA TAREZZE LANGLEY,)	
Defendant.)	

On June 17 and June 27, 2019, Keyonta Tarezze Langley ("Langley"), appearing pro se, requested copies of his sentencing transcript, docket sheet, statement of reasons, plea agreement, and judgment [D.E. 47, 48]. On August 12, 2019, the court denied the requests for copies [D.E. 51]. On August 19, 2019, Langley filed a pro se motion for relief under Rehaif v. United States, 139 S. Ct. 2191 (2019) [D.E. 52]. On September 3, 2019, Langley filed a second motion for relief under Rehaif v. United States [D.E. 53]. On September 12 and September 13, 2019, Langley filed notices of appeal to the United States Court of Appeals for the Fourth Circuit [D.E. 54, 55]. On September 19, 2019, the Fourth Circuit appointed counsel to represent Langley in his appeals [D.E. 59], and counsel filed his notice of appearance on the same day [D.E. 60]. On September 20, October 1, and October 10, 2019, Langley filed additional requests for copies and transcripts [D.E. 61, 63, 64, 65]. On October 10, 2019, Langley's appellate counsel filed a notice stating that he would provide Langley with the requested copies. See [D.E. 66]. On November 4, 2019, the transcript of the arraignment hearing was docketed [D.E. 67]. On November 14, 2019, the transcript of the sentencing hearing was docketed [D.E. 68]. On December 17, 2019, the court dismissed Langley's motions for copies and transcripts as moot in light of counsel's notice of providing copies to defendant [D.E. 69]. On January 23, 2020, the Fourth

Circuit placed Langley's appeal in abeyance pending a decision in <u>United States v. Gary</u>, 954 F.3d 194

(4th Cir. 2020) [D.E. 70]. On April 9, and July 7, 2020, Langley, appearing pro se, again requested

copies and transcripts [D.E. 71, 72]. On July 16, 2020, Langley filed a pro se request for relief under

Rehaif and Gary [D.E. 73]. On July 17, 2020, the court appointed the Federal Public Defender as

counsel to determine whether Langley may qualify to seek relief under Rehaif [D.E. 74].

Langley is represented by counsel and has an appeal pending before the Fourth Circuit. Langley

may request and obtain copies of documents and transcripts from his counsel. To the extent Langley

requests copies of documents that are not public record, the requests are denied. As such, Langley's

motions for copies are denied.

To the extend Langley is asking this court to consider his motions for relief under Rehaif and

Gary, Langley has an appeal pending before the Fourth Circuit, and the court lacks jurisdiction to

consider the motions. See, e.g., Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (per

curiam); Lewis v. Tobacco Worker's Int'l Union, 577 F.2d 1135, 1139 (4th Cir. 1978); cf. 18 U.S.C.

§ 3582(c). Accordingly, Langley's motions for relief under Gary and Rehaif are dismissed without

prejudice.

In sum, defendant's motions for relief under Gary and Rehaif [D.E. 52, 53, 73, 75] are

DISMISSED without prejudice, and defendant's motions for copies [D.E. 71, 72] are DENIED.

SO ORDERED. This 5 day of August 2020.

AMES C. DEVER III

United States District Judge

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